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Attorneys for defendants

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

BARBARA NEU on behalf of herself and all  
others similarly situated,

Plaintiff,

vs.

TERMINIX INTERNATIONAL, INC., THE  
TERMINIX INTERNATIONAL COMPANY,  
THE SERVICEMASTER COMPANY,  
SERVICEMASTER CONSUMER SERVICES,  
SERVICEMASTER CONSUMER SERVICES  
LIMITED PARTNERSHIP,

Defendants.

) **Case No.:** C 07-06472-CW

) **NOTICE OF HEARING ON MOTION TO**  
) **DISMISS**

) **Date:** June 26, 2008

) **Time:** 2:00 p.m.

) **Courtroom:** 2

TO ALL PARTIES AND THEIR ATTORNEY(S) OF RECORD:

PLEASE TAKE NOTICE that on June 26, 2008 at 2:00 p.m., or as soon thereafter as it  
may be heard, in Courtroom 2, of the above-entitled court, located at United States District  
Court, Northern District, 1301 Clay Street, South Tower, Courtroom 2, Oakland, Defendants

1 TERMINIX INTERNATIONAL, INC., THE TERMINIX INTERNATIONAL COMPANY,  
2 THE SERVICEMASTER COMPANY, SERVICEMASTER CONSUMER SERVICES, and  
3 SERVICEMASTER CONSUMER SERVICES LIMITED PARTNERSHIP will move the Court  
4 to grant their Motion to Dismiss.

5 This motion is made pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on  
6 the grounds that the plaintiff is not a named party to the agreement attached to the Amended  
7 Complaint and specific contract terms are not alleged; no independent duty is alleged to support  
8 a negligence claim; fraud is not alleged with particularity; and insufficient facts are alleged to  
9 support a claim against the ServiceMaster defendants.

10 This motion is based on this notice, the motion to dismiss and memorandum of law in  
11 support thereof filed May 19, 2008, the reply memorandum which will be filed in support of this  
12 motion, and any oral and documentary evidence that may be presented at the hearing on this  
13 motion.

14  
15 DATED: May 20, 2008

HINSHAW & CULBERTSON LLP

17 /s/ Christopher J. Borders  
18 CHRISTOPHER J. BORDERS  
19 Attorneys for Defendants  
20 TERMINIX INTERNATIONAL, INC.,  
21 THE TERMINIX INTERNATIONAL COMPANY  
22 LIMITED PARTNERSHIP (erroneously sued herein  
as The Terminix International Company),  
THE SERVICEMASTER COMPANY,  
SERVICEMASTER CONSUMER SERVICES, and  
SERVICEMASTER CONSUMER SERVICES  
LIMITED PARTNERSHIP